

Ill. no. 2-- Laws, statutes, etc.

AN ACT

To provide for the Incorporation of

Cities and Villages,

ADOPTED BY THE CITY OF CHICAGO,

APRIL 23d, 1875.



PRINTED BY ORDER OF THE CITY COUNCIL.

AN ACT

To provide for the Incorporation of Cities and Villages.

[Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 278.]

§ 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, as follows:*

ARTICLE 1.

OF THE ORGANIZATION OF CITIES.

1 HOW CITY MAY ADOPT THIS ACT.] § 1. That any city now existing in this State may become incorporated under this act in manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question accordingly, and to appoint a time and place, or places, at which such vote may be taken, and to designate the persons who shall act as judges at such election; but such question shall not be submitted oftener than once in four years. [See § 53, 55.

2 NOTICE OF ELECTION.] § 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

3 THE BALLOT—RESULT.] § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered

upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

4 HOW TOWNS MAY BECOME CITIES.] § 4. Any incorporated town in this State, having a population of not less than 1,000 inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town shall, respectively, perform the same duties relative to such a change of organization as is above required to be performed by the mayor and council of cities.

5 ORGANIZING A CITY.—PETITION.—ELECTION—RESULT.] § 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than 1,000 inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election; *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of

such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition. [See § 175.

6 COURTS TO TAKE JUDICIAL NOTICE OF ORGANIZATION, ETC.] § 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act, and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws, or parts of laws, not inconsistent with the provisions of this act, shall continue in force and *be* applicable to any such city or village, the same as if such change of organization had not taken place.

7 ELECTION OF OFFICERS.] § 7. It shall be the duty of president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

8 WHEN COUNTY JUDGE TO GIVE NOTICE OF ELECTION, ETC.] § 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace. [See § 52.

9 TERM OF FIRST OFFICER.] § 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

10 CORPORATE NAME.—POWERS.] § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of “City of (name),” and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

11 PRIOR ORDINANCES, ETC., IN FORCE UNTIL, ETC.] § 11. All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

12 RIGHTS, ETC., OF OLD CORPORATIONS TO VEST IN NEW.] § 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

13 RECORD OF RESULT OF ELECTION.] § 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village, or county court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a registry of cities and villages organized under this act.

ARTICLE II.

OF THE MAYOR.

14 MAYOR, HIS QUALIFICATIONS.] § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

15 VACANCY, ONE YEAR OR MORE.] § 2. Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

16 VACANCY LESS THAN YEAR.] § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

17 MAYOR PRO TEM.] § 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor pro tem., who, during such absence or disability, shall possess the powers of mayor.

18 VACANCY BY REMOVAL FROM CITY.] § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

19 MAYOR TO PRESIDE CASTING VOTE.] § 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

20 WHEN HE MAY REMOVE OFFICERS.] § 7. The mayor shall have power to remove any officer appointed by him, on any former charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at its next regular meeting,

21 HIS POWERS TO KEEP PEACE.] § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace. (See. § 83; also, "Sheriffs" ch. 125, § 17, "Crim. Code," ch. 38, § 340.)

22 RELEASE OF PRISONERS.] § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

23 GENERAL DUTIES.] § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

24 POWER TO EXAMINE RECORDS, ETC.] § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city.

25 MESSAGES TO COUNCIL.] § 12. The mayor shall annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

26 TO CALL OUT MILITIA, ETC.—RIOTS, ETC.] § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the Governor as commander in chief of the militia.

27 MISCONDUCT, ETC., OF MAYOR OR OTHER OFFICER—PENALTY.] § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, misconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction shall be fined in a sum not exceeding \$1,000, and the court in which such conviction shall be had shall enter an order, removing such officer from office. [See "Crim. Code," ch. 38 § 208-219.]

28 REVISING ORDINANCES AFTER CHANGE OF ORGANIZATION.] § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council, and paid out of the city treasury.

ARTICLE III.

OF THE CITY COUNCIL.

29 COUNCIL—HOW COMPOSED.] § 1. The city council shall consist of the mayor and aldermen.

30 NUMBER OF ALDERMEN.] § 2. The number of aldermen when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000 but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, fourteen aldermen, and two additional aldermen for every 20,000 inhabitants over 30,000. *Provided, however,* that in cities of over 100,000 inhabitants, there shall be elected thirty-six aldermen, and no more. [See § 175.]

31 TERM OF OFFICE.] § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

32 VACANCY.] § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal, or otherwise, such vacancy shall be filled by election.

33 QUALIFICATIONS OF ALDERMEN.] § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery, or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if, at the time of his appointment, he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be, either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents, or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

34 COUNCIL JUDGE OF ITS MEMBERS.] § 6. The city council shall be judge of the election and qualification of its own members.

35 RULES—EXPULSION—BRIBERY.] § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two thirds of the aldermen elect, may expel a member, but not a second time for the same offense; *Provided*, That any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

36 QUORUM—COMPELLING ATTENDANCE.] § 8. A majority of the aldermen elect shall constitute a quorum to do business but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

37 MEETINGS.] § 9. The city council may prescribe by ordinance, the times and places of the meetings thereof, and the manner in which special meetings thereof may be called.

38 CHAIRMAN PRO TEM.] § 10. It may elect a temporary chairman in the absence of the mayor.

39 OPEN DOORS.] § 11. It shall sit with open doors.

40 JOURNAL.] § 12. It shall keep a journal of its own proceedings.

41 YEAS AND NAYS—RECORD—VOTE REQUIRED.] § 13. The yeas and nays shall be taken upon the passage of all ordinances and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition; *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

42 NOT TO RESCIND VOTE AT SPECIAL MEETING, UNLESS, ETC.] § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

43 WHEN REPORT LAID OVER.] § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

44 TERRITORIAL JURISDICTION.] § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. [See § 71, 170, 215, 216, 229.

45 SPECIAL MEETINGS.] § 17. The mayor or any three aldermen may call special meetings of the city council.

46 ORDINANCES—APPROVED—VETO] § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and, if the mayor approves thereof he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

47 RECONSIDERATION—PASSING OVER VETO.] § 19. Upon the return of any ordinance by the mayor, and the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays and entered on the journal.

ARTICLE IV.

ELECTIONS.

48 ANNUAL ELECTION.] § 1. A general election for city officers shall be held on the third Tuesday of April of each year.

49 ELECTION OF MAYOR.] § 2. At the general election held in 1873, and biennially thereafter, a mayor shall be elected in each city.

50 WHO ENTITLED TO VOTE.] § 3. All persons entitled to vote at any general election for State officers within any city or village, having resided therein thirty days next preceeding thereto, may vote at any election for city or village officers. [See "elections," ch. 46, § 65, 66; Const., art. 7, § 1, p. 73.

51 WARDS.] § 4. The city council may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one aldermen shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal and the wards shall be of as compact and contiguous territory as practicable.

52 ALDERMEN AT FIRST ELECTION—CLASSIFIED.] § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: Those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half for two years.

53 MINORITY REPRESENTATION.] § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the city council or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the city council," or "Against minority representation in the city council." And at any subsequent time, on the petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section; *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on

the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city, by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain as nearly as practicable, an equal number of inhabitants. [As amended by act approved March 27, 1874; in force July 1, 1874.

54 ALDERMEN UNDER MINORITY PLAN.] § 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified: *Provided*, that those elected at the first election, from the wards bearing odd numbers, shall only hold their office for one year, and until their successors shall be elected and qualified. Vacancies occurring by the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the city council. In all elections for aldermen, aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected. [As amended by act approved March 27, 1874; in force July, 1, 1874.

55 ALDERMEN WHEN MINORITY PLAN NOT ADOPTED.] § 8. If a majority of the votes cast at such election shall be "against minority representation in the city council," the preceding section shall be null and void so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

56 PLACE OF ELECTION—NOTICE.] § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

57 MANNER OF CONDUCTING ELECTIONS, ETC.] § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this State. The judges of election shall appoint clerks when necessary to fill vacancies, and the judges and clerks shall take the same oaths and have the same powers and authority as the judges and clerks of general State elections. After the closing of the polls the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals. [See "Elections," ch. 46. § 48, seq.]

58 RESULT—TIE.] § 11. The person having the highest number of votes, for any office, shall be declared elected. In case a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

59 NOTICE TO PERSONS ELECTED OR APPOINTED.] § 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

60 WHEN NO QUORUM IN OFFICE—SPECIAL ELECTION.] § 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

61 SPECIAL ELECTIONS.] § 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be

stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

62 OF THE POWERS OF THE CITY COUNCIL.] § 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers :

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property. [See § 89, 171, 227, 231-236, 240-269.

Fourth—To fix the amount, terms, and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose, to an amount, including existing indebtedness in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness ; and before, or at the time of, incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same. [See § 90, 169, 228, 245.

Sixth.—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidating or funding of the same.

Seventh.—To lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and public grounds, and vacate the same. [See "Plats." ch. 109, § 1-10.

Eighth.—To plant trees upon the same.

Ninth.—To regulate the use of the same.

Tenth.—To prevent and remove encroachments or obstructions upon the same.

Eleventh.—To provide for the lighting of the same.

Twelfth.—To provide for the cleansing of the same.

Thirteenth.—To regulate the openings therein for the laying of gas and water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas-lights: *Provided, however,* that any company heretofore organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village, of this State, subject to such regulations as any city or village may by ordinance impose.

Fourteenth.—To regulate the use of sidewalks, and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth.—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to, any street, avenue, alley, or public ground.

Sixteenth.—To provide for and regulate crosswalks, curbs, and gutters.

Seventeenth.—To regulate and prevent the use of streets, sidewalks, and public grounds for signs, sign-posts, awnings, awning-posts, telegraph poles, horse troughs, racks, posting hand-bills, and advertisements.

Eighteenth.—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements, or hand-bills in the streets or public grounds, or upon the sidewalks.

Nineteenth.—To regulate and prevent the flying of flags, banners, or signs across the streets or from the houses.

Twentieth.—To regulate traffic and sales upon the streets, sidewalks, and public places.

Twenty-first.—To regulate the speed of horses and other animals, vehicles, cars and locomotives, within the limits of the corporation.

Twenty-second.—To regulate the numbering of houses and lots.

Twenty-third.—To name and change the name of any street, avenue, alley, or other public place.

Twenty-fourth.—To permit, regulate, or prohibit, the locating, constructing, or laying a track of any horse rail-road, in any street, alley, or public place: but such permission shall not be for a longer time than twenty years. [See "H and D Railroads," ch. 66.]

Twenty-fifth.—To provide for and change the location, grade, and crossings of any railroad.

Twenty-sixth.—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this State, relative to the fencing of railroads, and actions to recover such damages may be instituted before any justice of the peace, or other court of competent jurisdiction.

Twenty-seventh.—To require railroad companies to keep flag-men at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform with any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place, on such street, alley or highway. To compel and require railroad companies to make and keep open and keep in repair ditches, drains, sewers, and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds, or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth.—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof. [See § 194.]

Twenty-ninth.—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof. [See § 242.]

Thirtieth.—To deepen, widen, dock, cover, wall, alter, or change the channel of water courses.

Thirty-first.—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second.—To erect and keep in repair public landing places, wharves, docks, and levees. [See § 219, 220.]

Thirty-third.—To regulate and control the use of public and private landing places, wharves, docks, and levees.

Thirty-fourth.—To control and regulate the anchorage, moorage and landing of all water craft, and their cargoes, within the jurisdiction of the corporation.

Thirty-fifth.—To license, regulate, and prohibit wharf-boats, tugs, and other boats used about the harbor or within such jurisdiction.

Thirty-sixth.—To fix the rate of wharfage and dockage.

Thirty-seventh.—To collect wharfage and dockage from all boats, rafts, or other craft landing at or using any public landing place, wharf, dock, or levee within the limits of the corporation.

Thirty-eighth.—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

Thirty-ninth.—To appoint harbor masters, and define their duties.

Fortieth.—To provide for the cleansing and purification of waters, water courses, and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisance.

Forty-first.—To license, tax, regulate, suppress, and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals, and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second.—To license, tax, and regulate hackmen, dray-

men, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third.—To license, regulate, tax, and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth.—To license, regulate, tax, or prohibit and suppress billiard, bagatelle, pigeon hole, or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys, and ball alleys.

Forty-fifth.—To suppress bawdy and disorderly houses, houses of ill-fame, or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations. [See § 216, 217.

Forty-sixth.—To license, regulate and prohibit the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year, in which it shall be granted, and to determine the amount to be paid for such license; *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations, as may be provided by ordinance; *Provided further*, that in granting licenses, such corporate authorities shall comply with whatever general law of the State may be in full force relative to the granting of licenses. [See § 216; also "Dram Shops," ch. 43.

Forty-seventh.—The foregoing shall not be construed, to affect the provisions of the charter of any literary institution, heretofore granted.

Forty-eighth.—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating malt, vinous, mixed, or fermented liquors to any minor, apprentice, or servant, or insane, idiotic, or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth.—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth.—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables and all other provisions, and to provide for place and manner of selling the same.

Fifty-first.—To prevent and punish forestalling, and regrating.

Fifty-second.—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread, in the loaf.

Fifty-third.—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal, and other provisions.

Fifty-fourth.—To regulate the inspection, weighing, and measuring of brick, lumber, firewood, coal, hay, and any article of merchandise.

Fifty-fifth.—To provide for the inspection and sealing of weights and measures.

Fifty-sixth.—To enforce the keeping and use of proper weights, and measures by venders.

Fifty-seventh.—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth.—To regulate places of amusement.

Fifty-ninth.—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth.—To regulate partition fences and party walls.

Sixty-first.—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second.—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which, wooden buildings shall not be erected, or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay, or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third.—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous, to regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth.—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same, by voluntary fire companies, or otherwise.

Sixty-fifth.—To regulate and prevent storage of gunpowder tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops, and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays.

Sixty-sixth.—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh.—To provide for the inspection of steam boilers.

Sixty-eighth.—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth.—To establish and erect calaboozes, bridewells, houses of correction, and work-houses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth.—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first.—To provide by ordinance in regard to the relation between all the officers, and employees of the corporation, in respect to each other, the corporation and the people.

Seventy-second.—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies, in any public or private place.

Seventy-third.—To prohibit and punish cruelty to animals.

Seventy-fourth.—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth.—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue, or suffer nuisances to exist.

Seventy-sixth.—To appoint a board of health, and prescribe its powers and duties.

Seventy-seventh.—To erect and establish hospitals, and medical dispensaries, and control and regulate the same.

Seventy-eighth.—To do all acts, make all regulations which may be necessary or expedient, for the promotion of health or the suppression of disease.

Seventy-ninth.—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation,. [See "Cemeteries," ch. 24, §4.

✓ Eightieth.—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs. [See "Animals," ch. 8. § 1-7.

Eighty-first.—To direct the location and regulate the management and construction of packing-houses, renderies, tallow chandleries, bone factories, soap factories and tanneries within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second.—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops, and foundries within the limits of the city or village.

Eighty-third.—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth.—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or

other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The city council, or trustees of a village, shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll bridges, and license and regulate the same, and from time to time, fix tolls thereon. [See § 194.

Eighty-eighth—To authorize the construction of mills, mill-race, and feeders on, through, or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way, or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The city council or board of trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam or horse railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes. [See "H. and D. R. R." ch. 66, § 3; "Railroads and Warehouses," ch., 144, § 19.

Ninety-first—To tax, license and regulate auctioneers, distillers brewers, lumber-yards, livery stables, public scales, money changers, and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license, and regulate second-hand and junk-stores, and to prevent their purchasing or receiving from minors, without the written consent of their parents or guardians, any articles whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted to cities and villages, with such fines and penalties as the city council or board of trustees shall deem proper; *Provided*, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months for one offense.

63 STYLE OF ORDINANCE.] §2. The style of the ordinances in cities shall be: "Be it ordained by the city council of ——."

64 PUBLICATION OF ORDINANCES—WHEN TAKE EFFECT.] §3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders, and resolutions shall take effect from and after their passage, unless otherwise provided therein.

65 PROOF OF ORDINANCES.] §4. All ordinances, and the date of publication thereof may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all the courts and places without further proof. [See "Evidence, etc.," ch. 51, § 14.

66 SUITS FOR VIOLATING ORDINANCES.] §5. All actions brought to recover any fine, or to enforce any penalty, under any

ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

67 FINES AND LICENSES—PAID TO TREASURER.] § 6. All fines and forfeiture for the violation of ordinances when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

68 SUMMONS.—AFFIDAVIT—PUNISHMENT.] § 7. In all action for the violation of any ordinance, the first process shall be a summons; *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other places provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

69 JURISDICTION OF JUSTICES, ETC.] § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

70 CONSTABLE OR SHERIFF MAY SERVE PROCESS, ETC.]

§ 9. Any constable or sheriff of the county may serve any process or make any arrests authorized to be made by any city officer.

71 JURISDICTION OVER WATERS.] § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the State. [See § 44, 215, 216.]

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

72 OFFICERS.] § 1. There shall be elected, in all cities organized under this act the following officers, viz: a mayor, a city council, a city clerk, city attorney and a city treasurer.

73 OTHER OFFICERS—DUTIES OF CITY MARSHAL.] § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this State.

74 APPOINTMENT—VACANCIES—DUTIES—POWERS. § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen, shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years. [See § 15-18, 32.]

75 OATH—BOND.] § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of — according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however,* that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

76 COMMISSION, CERTIFICATE, DELIVERY TO SUCCESSORS.] § 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees,) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor, or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books, and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

77 QUALIFICATION OF OFFICERS.] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any

person be eligible to any office who is a defaulter to the corporation. [See "Officers," ch. 102, § 2, 4.

78 NOT INTERESTED IN CONTRACTS, ETC.] § 7. No officer shall be directly or indirectly interested in any contract, work, or business of the city, or the sale of any article, the expense, price, or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation. [See "Officers," ch. 102, § 3, 4.

79 BRIBERY—PENALTY.] § 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment, or action on any question, matter, cause or proceeding which may be then pending or may by law be brought before him in his official capacity, shall upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding civil or criminal, against the person so testifying. [See "Crim. Code," ch. 38, § 31, 35.

80 MAYOR, ETC., NOT TO HOLD OTHER OFFICE.] § 9. No mayor, alderman, city clerk or treasurer, shall hold any other office under the city government during his term of office. [See "officers," ch. 102, § 2, 4.

81 DUTIES OF CLERK.] § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

82 RECORD OF ORDINANCES.] § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

83 CONSERVATORS OF THE PEACE—POWERS.] § 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities if any such be appointed, shall be conservators of the peace: and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating ordinance of the city or village, or any criminal law of the State, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council or board of trustees may prescribe. [See § 21.

84 COMPENSATION OF MAYOR.] § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office. [See § 237.

85 COMPENSATION OF ALDERMEN AND TRUSTEES. § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance : *Provided, however,* such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office. [See § 237.

86 COMPENSATION OF OTHER OFFICERS.] § 15. All other officers may receive a salary, fees, or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees, and emoluments received by him. [See "Fees and Salaries," ch. 53, § 38.

87 ADMINISTERING OATHS.] § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

OF FINANCE.

88 FISCAL YEAR.] § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

89 ANNUAL APPROPRIATION ORDINANCE.] § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation ; and in such ordinance shall specify the objects and purposes for which said appropriations are made and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within

such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor. [See § 245 253.

90 LIMITATION—EMERGENCY—BORROWING MONEY.] § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year any thing over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor, president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein. [See § 245.

91 CONTRACTING LIABILITIES LIMITED.] § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object or the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided. [See Crim Code. ch. 38, § 208.

92 DUTIES OF TREASURER] § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

93 SEPARATE ACCOUNTS.] § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

94 RECEIPTS.] § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

95 MONTHLY STATEMENTS—WARRANTY—VOUCHERS—REGISTER.] § 8. The treasurer shall, at the end of each and every month; and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath) showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

96 DEPOSIT OF FUNDS—SEPARATE FROM HIS.] § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however*, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, not without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but

such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed. [See "Crim. Code," ch. 38, § 80, 81.]

97 TREASURERS ANNUAL REPORT—PUBLICATION.] § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

98 WARRANTS.] § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

99 SPECIAL ASSESSMENT FUNDS KEPT SEPARATE.] § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

100 HIS DUTIES.] § 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office shall at all times be open to the inspection of, and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener, if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipts so filed.

101 HE SHALL REPORT, ETC.,—PUBLICATION.] § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the 1st and 10th of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment, or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer. [See § 97.]

102 NOT DETAIN MONEY—PENALTY.] § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office. [See Crim. Code. ch. 28, § 80, 81.]

103 EXAMINATION OF HIS BOOKS—PAYING OVER.] § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member

of the city council; and the collector shall every two weeks or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

CITY COMPTROLLER.

104 HIS POWERS AND DUTIES.] § 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the 15th day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees, a report of his estimates as nearly as may be, of moneys necessary to defray the expenses the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statements of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

105 COUNCIL MAY DEFINE THE DUTIES—TRANSFER OF CLERK'S FINANCIAL DUTIES.] § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or

resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore, the word "clerk," is used, it shall be held to mean "comptroller," and wherever the "clerk's office" is referred to it shall be held to mean "comptroller's office."

106 RECORD OF BONDS ISSUED BY CITY.] § 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

107 FURTHER DUTIES MAY BE REQUIRED.] § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

108 APPEAL TO FINANCE COMMITTEE.] § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

109 WHO MAY APPOINT SUBORDINATES.] § 22. The comptroller, (if there shall be one), the clerk, treasurer, and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

110 FOREIGN INSURANCE COMPANIES—LICENSES, ETC.—PENALTIES.] § 23. All corporations, companies, or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every 1st day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies, or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the 15th day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk) a full, true, and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company, or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company of companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company, or association, so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires. [See "Insurance," ch. 73, § 30.]

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

111 ORDINANCES LEVYING TAX.] § 1. The city council in cities, and board of trustees in villages, may assess and collect taxes for corporate purposes, in the following manner: The city council or board of trustees, as the case may be, shall on or before the second Tuesday in *September* (August), in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year, and by ordinance levy and assess such amount, so ascertained, upon the real and personal property within the city or village subject to taxation, as the same is assessed for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed; and it shall be the duty of the county clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of the state and county taxes within such city or village. [See § 114 "Revenue," ch. 120, § 122.]

112 MANNER OF COLLECTING.] § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same, to the treasurer of the city or village.

113 TIME FOR PAYING OVER.] § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over. [See "Revenue," ch. 120, § 138, 164, 167, 243, 244.]

114 WHEN TAX LEVIED FOR PARTICULAR PURPOSE.] § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation, or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council

or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation, or liability, and shall not disburse the same for any other purpose until such debt, appropriation, or liability shall have been discharged.

115 UNIFORMITY.] § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the Constitution and general laws of the state. [See Const., art. 9, § 9.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

116 POWERS CONFERRED. § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe. [See Const., art. 9, § 9; "Plats," ch. 109, § 1-10.

117 ORDINANCE FOR IMPROVEMENT. § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

118 WHEN PROPERTY IS TAKEN, ETC.] § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

119 PETITION.] § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use,

such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury." [See Const., art. 2, § 13.]

120 FORM OF PETITION.] § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk under the corporate seal; a reasonably accurate description of the lots, parcels of land, and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

121 SUMMONS—PUBLICATION—NOTICE.] § 6. Upon the filing of the petition aforesaid, a summons which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.]

122 HEARING—JURY.] § 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the com-

pensation or damages to be paid to any one or more of such defendants or parties in interest. [As amended by act approved and in force March 30, 1874.

123 JURY TO ASCERTAIN COMPENSATION—ADMITTING OTHER PARTIES.] § 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land, or property which may be taken or damaged by such improvement, whether or not such persons name, or such lot, parcel of land, or other property, is mentioned or described in such petition; *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

124 VIEWING PREMISES—OWNERSHIP, ETC.] § 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein. [As amended by act approved and in force March 30, 1874.

125 JUDGMENT—NEW PARTIES—FURTHER PROCEEDINGS] § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceedings shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

126 POWERS OF COURT.] § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment, or decree, as the nature of the case may require.

127 OWNERSHIP—FURTHER POWERS OF COURT.] § 12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may empanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

128 PERSONS UNDER DISABILITY.] § 13. When it shall appear, from such petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her, or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

129 JUDGMENT—EFFECT—APPEAL, ETC.] § 14. Any final judgment or judgments, rendered by said court, upon finding or findings, of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village

shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

130 ORDER FOR POSSESSION.] § 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

131 WHEN IMPROVEMENT MADE BY GENERAL TAX.] § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

132 SPECIAL TAXATION.] § 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed, and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

133 HOW MADE.] § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceeding for the making such special assessment shall be in accordance with the sections of this *act* [article] from 18 to 51, inclusive.

134 ORDINANCE FOR SIDEWALKS—OWNERS RIGHTS.] § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board

of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality, and description of such improvement; *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment; *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance.

135 ESTIMATE OF COST.] § 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

136 ORDER FOR PROCEEDINGS IN COURT.] § 21. On such report being made and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

137 PETITION TO COURT.] § 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

138 APPOINTMENT OF COMMISSIONERS—OATH] § 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS,)
 — County) ss. “ We, the undersigned Commissioners, appointed by the County Court of ——— county to assess the cost of ——— [here state in general terms the improvement] do solemnly swear (or affirm, as the case may be) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of ———, and the property benefited by such improvement, to the best of our ability, and according to law.”

139 DUTY OF COMMISSIONERS.] § 23. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts, and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and, having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement; *Provided*, that no lot, block, tract, or parcel of land shall be assessed a greater amount than it will be actually benefited; *And, provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening, or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.]

[§ 25 repealed by an act approved April 25, 1873.]

140 ASSESSMENT ROLL—RETURN.] § 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract, or parcel of land, and the amount assessed special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.]

141 NOTICE BY MAIL—POSTING AND PUBLICATION.] § 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

1. They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr. ———, Your (here give a short description of the premises), is assessed \$—— for public improvement. The assess-

ment roll will be returned to the — term of the County Court of — County.

(Here give date.)

Commissioners.

2. They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, and if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council (or board of trustees, as the case may be) of — —, having ordered that (here insert the nature and description of improvement substantially as in ordinance), have applied to the County Court of — County, for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the — term of said court, commencing on the — day of —, A.D. 18—. All persons desiring may then and there appear and make their defense.

(Here give date.)

Commissioners.

[As amended by act approved April 25, 1873; in force July 1, 1873.

142 PROOF OF NOTICE.] § 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be

sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873; in force July 1, 1873.]

143 CONTINUANCE WHEN NOTICE NOT IN TIME.] § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

144 OBJECTION—JUDGMENT BY DEFAULT.] § 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

145 HEARING—JURY.] § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

146 PRECEDENCE.] § 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

147 COURT MAY MODIFY, ETC. THE ASSESSMENT.] § 33. The court before which any such proceeding may be pending, shall have authority, at any time before final adjournment [judg-

time of filing such objections as may be made in cases at law in regard to the

ment], to modify, alter, change, annul, or confirm any assessment returned, as aforesaid, or cause any such assesment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may, from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

148 JUDGMENT SEVERAL—APPEAL, ETC.—LIEN.] § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until the payment shall be made.

149 JUDGMENT CERTIFIED TO CITY CLERK—FILING—WARRANT.] § 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

150 FORM OF WARRANT.] § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract, or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

151 COLLECTORS NOTICE—FORM OF.] § 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along

the line of the proposed improvement. Such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE, SPECIAL WARRANT NO.— Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of —; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this — day of —, A. D. 18—.

—————, Collector.

152 MANNER OF COLLECTING—ENTRY OF PAYMENT.] § 38.

It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment], shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and postoffice address of the person making the payment, and date of payment.

153 REPORT OF DELINQUENT LIST TO COUNTY COLLECTOR—EVIDENCE—DEFENSE.] § 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots, and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his

warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of —, (or village of —, as the case may be), remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

154 APPLICATION FOR JUDGMENT—WHAT LAWS GOVERN.]

§ 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessment remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessment remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. [See "Revenue," ch. 120, § 182, seq.]

155 RETURN OF SALES—REDEMPTION.] § 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state. [See "Revenue," ch. 120, § 210-215.]

156 PENALTY WHEN LANDS PAID ARE SOLD FOR TAX, ETC.] § 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterward return the same as unpaid to the state officers authorized to sell lands for the taxes, or shall receive the same after making such return, and the same be sold for tax or assessment, which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate

given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

157 PAYING OVER—COMPENSATION.] § 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

158 GENERAL REVENUE LAWS APPLY.] § 44. The general revenue laws of this State, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment. [See "Revenue," ch. 120, § 191-225.]

159 CITY OR VILLAGE MAY BUY IN.] § 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

160 WHEN ASSESSMENT SET ASIDE—NEW ASSESSMENT.] § 46. If any assessment shall be annulled by the council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

161 SUPPLEMENTAL ASSESSMENTS.] § 47. If in any case, the first assessment prove insufficient, a second may be made, in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

162 NEW ASSESSMENTS AGAINST DELINQUENTS—LIEN—LIMITATION.] § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

163 CONTRACTS PAYABLE FROM ASSESSMENTS.] § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village, in any event, except from the collections of the special assessments made for the work contracted for.

164 HOW CONTRACTS LET—APPROVAL.] § 50. All contracts for the making of any public improvement, to be paid for

in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided however*, any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

165 LIEN.] § 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments as in the case of the collection of state and county taxes under the general laws of the state.

166 COLLECTION BY SUIT.] § 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record in the corporate name of such city or village, against any person or persons for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served, and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause

is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

167 SUPPLEMENTAL PETITION TO ASSESS BENEFITS IN CONDEMNATION CASE.] § 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected, and enforced in the same manner, as near as may be, as is provided in this article in other cases. [As amended by act approved and in force March 30, 1874.

168 ADOPTION OF THIS ARTICLE.] § 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

ARTICLE X.

(MISCELLANEOUS PROVISIONS.)—WATER.

169 WATER—BORROW MONEY.] § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs and water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of

water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works. [See § 227-236.

170 ACQUIRING PROPERTY FOR WATER WORKS—JURISDICTION OVER.] § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold, and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. [See § 229, also "Eminent Domain," ch. 47.

171 REGULATIONS—RATES—TAXATION, ETC.] § 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management, or control of the water works, and for the levying and collecting of any water taxes, rates, or assessments as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue, or alley in such city or village through which the distributing pipes of such water works, (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes; *Provided*, (whether) the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

172 TAXPAYER MAY ENFORCE RIGHTS IN NAME OF CITY, ETC.] § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to secure any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law; *Provided*, that such

taxpayer shall file a bond for all costs, and be liable for all costs, in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

173 MAPS—APPROVAL OF.] § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or sub-division of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or sub-division shall be entitled to record in the proper county, or have any validity until it shall have been so approved. [See "Recorders," ch. 115, § 13.

174 INHABITANTS COMPETENT AS JURORS, ETC.] § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

175 POPULATION—CENSUS.] § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this State shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken.

176 MUNICIPAL YEAR.] § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual election, unless otherwise provided by ordinance.

177 CITY OR VILLAGE NEED NOT GIVE APPEAL BOND.] § 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court it shall not be required to furnish an appeal bond.

ARTICLE XI.

OF THE ORGANIZATION OF VILLAGES.

178 BY INCORPORATED TOWNS. § 1. Any town in this state incorporated either under any general law for the incorporation of towns, and acts amendatory thereof, or under any special act for the incorporation of any town or village, may become organized as a village under this act in the manner following: Whenever any thirty voters in such town shall petition the president and trustees thereof to submit the question whether such town will become organized as a village, under this act, to the decision of the legal voters thereof, it shall be the duty of such president and trustees to submit the same accordingly; and to fix a time and place within such town for holding such election, and to appoint the judges to hold such election; and to give notice of the time, place, and purpose of such election by causing at least five notices thereof to be posted in public places in such town for at least fifteen days prior to holding such election.

179 BALLOT.] § 2. Each qualified voter, resident within such town or proposed village, shall have the right to cast a ballot at such election, with the words thereon "For village organization under the general law," or "Against village organization under the general law."

180 RETURNS—CANVASS—RECORD.] § 3. The judges of such election shall make returns thereof to the president and trustees of the town as soon as practicable after such election is held, and it shall be the duty of the president and trustees to canvass such returns, and cause a statement of the result of such election to be entered upon the records of the town.

181 RESULT—OLD OFFICERS CONTINUE UNTIL, ETC.] § 4. If a majority of the votes cast at such election are for village organization under the general law, such town shall, from thenceforth, be deemed to be duly incorporated as a village under this act; but the town officers then in office shall continue as like officers of such village until their successors shall be elected or appointed under the provisions of this act.

182 NEW ORGANIZATION—HOW EFFECTED.] § 5. Whenever any area of contiguous territory, not exceeding two square miles, shall have resident thereon a population of at least three hundred inhabitants, and which territory is not included within the limits of any incorporated town, village, or city, the same

may become incorporated as a village, under this act, in the manner following: Any thirty legal voters resident within the limits of such proposed village may petition the county judge of the county in which they reside to cause the question to be submitted to the legal voters of such proposed village, whether they will organize as a village under this act. And if the territory described in such petition shall be situated in more than one county, then the petition shall be addressed to the Judge of the county court of the county where a greater part of such territory is situated. Such petition shall be addressed to the county judge, contain a definite description of the lands intended to be embraced in such village, the number of inhabitants resident therein, and the name of such proposed village. [See § 175.]

183 PETITION—ELECTION—RETURN.] § 6. Upon the filing such petition in the office of the county clerk, it shall be the duty of such judge to perform the same duties in reference to fixing the time and place of such election, giving notice appointing judges thereof, as is above required to be performed by the president and trustees in towns already incorporated. The returns of such election shall be made to the county judge, who shall call to his assistance any two justices of the peace, and canvass such returns, and cause a statement of the result of such election to be entered upon the records of the county court. The second section of this article shall be applicable to such election.

184 RESULT—ELECTION OF OFFICERS, ETC.] § 7. If a majority of the votes cast at such election is for village organization under the general law, such proposed village, with the boundaries and name mentioned in the petition, shall, from thenceforth, be deemed an organized village under this act, and the county judge shall thereupon, call and fix the time and place of an election to elect village officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election, in like manner, as nearly as may be, as he is required to perform in reference to the election of officers in newly organized cities. But the term of office of trustees elected at such election shall terminate as soon as their successors are elected and qualified, at the regular annual election.

185 TRUSTEES—CORPORATE NAME POWERS.] § 8. In each village organized under this act there shall be elected, by the qualified electors therein, six (6) trustees, who shall hold their office for one year and until their successors are elected and

qualified. The trustees shall choose one of their own number president; and such village shall thenceforth be considered, in law and equity, a body corporate and politic, by the name and style of "The village of ————," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a common seal, and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act, the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable.

186 POWERS AND DUTIES OF PRESIDENT AND TRUSTEES.] § 9. The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city not exceeding five thousand inhabitants, and shall have the right to vote as a trustee at any meeting of the trustees; but when he shall have so voted shall not have the right to give the casting vote; and the trustees shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities of not exceeding five thousand inhabitants, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city; and the board of trustees may pass ordinances over such veto, in like manner as a city council.

187 STYLE OF ORDINANCES,] § 10. The style of ordinances passed in villages shall be as follows: "Be it ordained by the president and board of trustees of the village of ————," (as the case may be.)

188 APPOINTMENT OF OFFICERS—PRESCRIBE DUTIES AND FEES.] § 11. The president and board of trustees may appoint a clerk, *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village constable, and such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds as may be prescribed by ordinance.

189 POWERS OF CONSTABLE.] § 12. The village constable shall have the same powers to make arrests, execute process, and perform other official acts as other constables under the general laws of the state, together with such other powers as may be conferred on him by ordinance.

190 ANNUAL ELECTION.] § 13. An annual election for trustees and a clerk of villages shall be held on the third Tuesday of April in each year, and special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies and for other purposes.

191 SUITS—JURISDICTION—FINES., ETC.] § 14. Suits and prosecutions for the violations of any village ordinance may be prosecuted in the name of "The village of ————," and justices of the peace and police magistrates shall have jurisdiction over such suits, and all fines and moneys so collected shall be paid into the village treasury.

192 POLICE MAGISTRATES.] § 15. There may be a police magistrate elected at a regular annual election in each village, who shall give bonds, qualify, and have the same jurisdiction as other justices of the peace, and hold his office for four years, and until his successor is elected and qualified.

193 NO INCORPORATION ALLOWED UNDER FORMER LAWS.] § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force for the incorporation of towns or cities.

FERRIES AND BRIDGES.

AN ACT to enable the corporate authorities, now or hereafter incorporated under an act entitled "An Act to provide for the incorporation of cities and villages," in force July 1, 1872, to acquire by purchase, lease or gift, establish, maintain, license, regulate ferries, bridges, the approaches thereto, and tolls thereon. [Approved March 27, 1874. In force July 1, 1874.]

194 LICENSE AND REGULATE.] § 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That it shall be lawful for the corporate authorities of any city or village, now or hereafter incorporated under an act entitled "An Act to provide for the incorporation of cities and villages," in

force July 1, 1872, to acquire by purchase, lease, or gift, and maintain, license and regulate ferries and bridges so acquired and the approaches thereto, not to exceed four acres of land for each ferry or bridge within the corporate limits, or within five miles of the corporate limits thereof, and from time to time fix the tolls thereon. [See § 62, items 28, 87.]

ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 254.]

195 PETITION TO BE ANNEXED—ANNEXING.] § 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village, or town (as the case may be) may, by ordinance, annex such territory to such city, village, or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein; *Provided,* That no portion less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town, or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city town, or village.

196 ANNEXING ONE CORPORATION TO ANOTHER.] § 2. Any incorporated city, village, or town may be annexed to another incorporated city, village, or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation; *Provided,* such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgment and execution the same as if such annexation had not taken place. In making such an-

nexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract; *Provided, however,* That no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town, or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town, or village: *And, provided, also,* that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town, or village.

197 PROCEEDINGS BY CORPORATION TO ANNEX TERRITORY.] § 3. When any incorporated city, village, or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village, or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided,* that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

198 NOTICE OF PROCEEDINGS.] § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been

filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village, or town to which it is desired to annex such territory.

199 OBJECTIONS TO ANNEXATION—TRIAL.] § 5. The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village, or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor if the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

200 FINDING—COSTS, ETC.] § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village, or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

201 PROCEEDINGS BY OWNER TO BE ANNEXED.] § 7. When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition

by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

202 PROCEEDINGS TO DISCONNECT.] § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

203 MAP AND ORDINANCE RECORDED.] § 9. When any territory is annexed to any city, village, or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village, or town, a copy of the ordinance or the decree therefor shall be so filed for record and recorded.

204 SCHOOL DISTRICTS.] § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act. [See "Schools," ch. 122, § 33.

205 JUDICIAL NOTICE.] § 11. All courts in this state shall take judicial notice of cities, towns, and villages, and of the changes of their territory, made under the provisions of this act.

CHANGING NAME.

AN ACT to enable any city, town, or village in this state to change its name. [Approved March 7, 1872. In force July 1, 1872.

206 PETITION.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a petition, signed by the qualified electors of any city, incorporated town or incorporated village of this state, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town, or village, praying that the name of such city, town, or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed.

207 PROCEEDINGS.] § 2. Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village shall be filed in the office of the secretary of state, to be there retained for the period of at least sixty days, and upon application, the secretary of state shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town, or incorporated village, or municipality in this state, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the secretary of state shall so notify the party or parties making such application, in which case another name shall be filed in his office, which name shall likewise remain for the like period of sixty days; and no petition shall be acted upon by said corporate authorities unless accompanied by the certificate of the secretary of state, setting forth that such name has not been adopted elsewhere in this state.

208 DUTIES OF SECRETARY OF STATE.] § 3. The secretary of state shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this state, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such list of names shall be kept filed in his office, and shall be changed whenever a change of name shall be effected under the provisions of this act.

209 TIME OF HEARING TO BE FIXED—NOTICE.] § 4. At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after the presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard.

210 HEARING PETITION AND REMONSTRANCES.] § 5. At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition.

211 ORDER FILED WITH SECRETARY OF STATE—NOTICE.] § 6. If said change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the secretary of state, who shall thereupon make known the fact of such change, by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this state shall take judicial notice of the change thus made.

212 RIGHTS SAVED.] § 7. Nothing in this act contained shall affect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name. And all proceedings pending in any court or place in favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced.

213 WHEN CHANGE VOID.] § 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this act, such change shall be void; and all proceedings instituted or acts done in such name as

changed, shall be void and held for naught in the courts of this state.

214 NAME OF UNINCORPORATED TOWN, ETC.] § 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this state, the circuit court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the secretary of state, as provided in section two of this act.

TERRITORIAL JURISDICTION.

AN ACT to define the jurisdiction of the cities and incorporated towns bordering on the Ohio river. [Approved March 26, 1872. In force July 1, 1872. L. 1871-2, p. 578.

215 OVER OHIO RIVER.] § 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That each of the several cities and incorporated towns of this state, lying on the Ohio river, and bounded thereby, are hereby invested with jurisdiction over their river fronts, and shall have jurisdiction over the waters of said river, in all cases occurring on said river, and opposite to each of said cities or incorporated towns, co-extensive with the jurisdiction of the several counties in this state in which said cities or incorporated towns may lie: *Provided*, nothing herein contained shall be construed so as to extend the jurisdiction of said cities or incorporated towns over any islands in said river included within the corporate limits of any county in the state of Kentucky. [See § 44, 71.

AN ACT to extend the jurisdiction of towns and cities on any river within or on the borders of this state, for the purpose of police regulations. [Approved and in force Feb. 15, 1865. L. 1865, p. 111.

216 TO ENFORCE ORDINANCES ON BOATS, ETC.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That cities and towns on any river within or on the borders of this state, shall have the right to extend and enforce their ordinances so as to include any boat or other floating structure, which shall be kept within two miles of the city or town limits, as a place for drinking spirituous liquors

or for gaming, or for the purpose of prostitution: *Provided*, no authority shall be given by this law, beyond what the law now authorizes, to interfere with any steamer or other boat, the usual business of which is the carrying of freight or passengers. [See § 44, 71.]

HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this state. [Approved and in force March 27, 1874.]

217 LICENSING AND MEDICAL INSPECTION FORBIDDEN.]

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employee of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same. [See § 62, item 45.]

218 EMERGENCY.] § 2. Whereas, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

LEASING LANDINGS AND LEVEES.

AN ACT to authorize incorporated cities, towns or villages in this state, situated upon the banks of navigable rivers, to lease parts of their public landings or levees. [Approved March 31, 1874. In force July 1, 1874.]

219 WHEN LANDINGS AND LEVEES MAY BE LEASED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever in the opinion of the legislative authority of any incorporated city, or of the president and board of trustees of any incorporated town or village of this

state, situate upon the banks of any navigable river, the lands acquired and owned by any such city, town or village, for the purpose of a public landing or public levee, are not immediately required for such purpose, then any such city, town or village may lease such parts of such landing or levee as may be thought best by the legislative authority of such city, or president and board of trustees of such town or village, for the purpose of erecting manufactories, warehouses or grain elevators thereon: *Provided*, no such lease shall extend beyond the period of twenty-five years from its execution. [See § 62, items 32, 33.]

220 WHAT LANDS—WHEN LEASE MAY TAKE EFFECT—DEFINITION—RESTRICTION.] § 2. That the right of any such city, town or village to lease any part of the land in the foregoing section, shall embrace all such lands as may have been conveyed to the same: *Provided, however*, no such lease shall take effect or be in force until approved by an order, resolution or ordinance of the legislative authority of such city, or president and board of trustees of such town or village. The words “legislative authority,” when used in this act, shall be held to include the common council. The provisions of this act shall not apply to cities having over one hundred thousand inhabitants.

POLICE AND FIREMEN'S RELIEF FUND.

AN ACT to provide a fund for the relief of members of police and fire departments, in incorporated cities, wounded or disabled in the discharge of their duties, and for the relief of the surviving family of any member of said departments, killed while on duty. [Approved March 24, 1874. In force July 1, 1874.]

221 HOW FUND CREATED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the corporate authorities of any city in this state may, by ordinance, provide that all moneys received from fines inflicted upon members of the police and fire departments in such city, for violation of the rules or regulations of the service, shall be paid into the city treasury, and kept apart as a fund to be called the “Police and Firemen's Relief Fund.”

222 USE FOR DISABLED MEN.] § 2. Whenever any member of either of said departments shall, while in the discharge of his duty as a member or officer of such service, suffer wounds, or in any other manner become disabled, so as to be unfit for further service, the corporate authorities of such city shall appropriate out of such fund, for his benefit, such an amount or amounts of money as to them may seem just and reasonable.

223 USE IN CASE OF DEATH.] § 3. Whenever any member of either of such departments shall, while in the active discharge of his duty, suffer death, or die from or on account of injuries received while in such active discharge of his duty, the corporate authorities of any such city shall appropriate out of said fund such an amount as to them shall seem just and equitable, for the relief of the surviving members of the family of such deceased.

224 VOTE NECESSARY TO APPROPRIATE.] § 4. All such appropriations shall be made by a vote of a majority of all the members elected of such corporate body; and such authorities alone shall have the right to determine the amount of relief to be granted under this act.

225 BEQUESTS, GIFTS, ETC.—TREASURER.] § 5. In case of any bequest, gift, devise or donation to the fund aforesaid, the city treasurer of such city, by virtue of his office, and his successors in office, shall be the trustee of the same, and in that capacity, under the direction of the corporate authorities of such city, he shall administer the same.

226 NO NEW LIABILITY ON CITY FOR INJURIES.] § 6. Nothing in this act shall be so construed as to create any new liability on the part of any city for injuries received by persons in its service.

WATER WORKS.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works. [Approved and in force April 15, 1873.

227 POWER TO SUPPLY WATER—LETTING CONTRACT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all cities, incorporated towns and villages in this state be and are hereby authorized, and shall

have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages, by the erection, construction [and] maintaining of a system of water works: *Provided*, that all contracts for the erection or construction of any such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let having been given, by publication in a newspaper published in such city, town or village; or if no newspaper is published therein then in some newspaper published in the county; *And Provided further*, that no member of the city council or board of trustees, or mayor, shall be directly or indirectly interested in any such contract; and in all cases the council or board of trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them. [See § 169-171.]

228 BORROW MONEY—TAX.] § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same. [See § 62, item 3]

229 MAY ACQUIRE PROPERTY FOR WORKS, ETC.] § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits. [See § 170, also "Eminent Domain," ch. 47.]

230 RULES—TAX—ASSESSMENT—LIEN.] § 4. The common council of such cities, or trustees of such towns or villages,

shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide. [See § 171.

231 SPECIAL ASSESSMENT.] § 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages. [See § 133 *seq.*

232 SEPARATE FUND] § 6. All the income received by such cities, towns or villages from such water works, from the the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as as the common council or board of trustees may direct.

233 WHEN ACT NOT APPLY.] § 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

234 EMERGENCY.] § 8. Whereas many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore an em-

ergency exists that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

AN ACT to provide for the laying of water supply pipe by bonds and special assessment, payable in installments. [Approved and in force March 17, 1874.]

235 BONDS—ASSESSMENTS PAYABLE IN INSTALLMENTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the corporate authorities of any city, town or village shall provide, by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of the act of the general assembly, entitled, "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so apportioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property specially benefited, shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter, statutory or constitutional limitation of the indebtedness of such city, town or village.

236 WHEN INSTALLMENTS PAYABLE—INTEREST.] § 2. Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in section 1 of this act, the first installment of the amount assessed upon property specially benefited shall be payable immediately upon the issuance, by the clerk of such city, town or

village, of his warrant to the collector, and the subsequent installments shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance, not exceeding ten per cent. per annum.

237 APPLIES TO ASSESSMENTS ALREADY ORDERED.] § 3. This act shall apply to assessments already ordered for the purpose set forth in section 1 of this act, and to the ordinances in relation thereto, as well as to ordinances hereafter to be adopted.

238 EMERGENCY.] § 4. Whereas certain cities, towns and villages are about to lay water supply pipe, and are desirous of availing themselves of the provisions of this act, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. [Approved April 9, 1872. In force July 1, 1872. L. 1871-2, p. 271.]

239 POWER TO CONTRACT FOR WATER.] § 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

240 TAX.] § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

SALARIES OF CITY OFFICERS.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. [Approved and in force April 23, 1873.]

241 WHEN TO BE FIXED—NOT CHANGED DURING TERM.] § 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made

for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any officer or employee over and above that provided in manner aforesaid. [See § 84, 85.]

242 EMERGENCY.] § 2. Whereas the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. [Approved and in force Jan. 18, 1872. L. 1871-2, p. 270.]

243 REBATE WHEN PROPERTY DESTROYED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

244 REDUCE OR RELEASE TAX OR ASSESSMENT.] § 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce, or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

245 EMERGENCY.] § 3. Whereas a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists, that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

SEWERAGE AND WATER TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in the cities of this state that may have established a system of sewerage and water works for such city. [Approved and in force April 22, 1871. L. 1871-2, p. 754.

246 SEWERAGE FUND TAX.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legislative authority of any such city which now has or may hereafter have established a system of sewerage for such city, shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be

known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however*, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose. [See § 62, item 29.]

247 WATER FUND TAX.] § 2. The legislative authority of any such city which now has or which may hereafter have established water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however*, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.

248 EMERGENCY.] § 3. Whereas the health and good government of such cities require that they severally possess the power and authority conferred by this act upon such cities, and the officers thereof, without any delay, it is hereby declared that an emergency exists that this law should be in force from and after its passage.

TAXES.

AN ACT in regard to the assessment of property, and the levy and collection of taxes by incorporated cities in this state.
[Approved April 15, 1873. In force July 1, 1873.]

249 PURPOSES FOR WHICH TAXES MAY BE LEVIED.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in all incorporated cities in this state, the city council may, by ordinance, annually levy and collect city taxes on real and personal property within the city:

First—For general and contingent expenses, or any other expenses not herein otherwise provided for.

Second—For supplying and maintaining schools, and erecting and repairing school houses.

Third—For the erection of a city market, bridewell, or house of correction, or other public buildings, purchase of grounds therefor, the building of bridges, improvement of the river or harbor, for improving the sanitary condition of the river or harbor, or any other permanent improvement.

Fourth—A tax of sufficient amount to meet the interest accruing on the indebtedness of the city.

Fifth—To provide for a sinking fund or funds, for the payment of the general or special indebtedness of the city; and no city shall hereafter contract any debt without at the same time providing for the annual levy and collection of a direct tax sufficient to pay the interest, and the principal when it falls due. All money raised for any sinking fund shall be invested in the purchase of bonds of said city—such purchase to be made from time to time, as directed by the mayor; and all bonds so purchased shall be immediately retired and canceled, in the presence of the city council, at some stated meeting thereof. No sinking fund shall be used for any other purpose than the purchase of city bonds or the payment of the city indebtedness upon account of which such sinking fund was raised: *Provided*, That no tax shall be levied under this section, unless two-thirds of all the aldermen elected shall vote in favor of the same.

Sixth—A tax of sufficient amount, when required, to provide for the expense incurred in making any public improvement, caused by any casualty or accident happening after the making of the annual appropriations for such year, or to pay any judgment that may have been recovered against the city during such previous year.

Seventh—To levy taxes for the building, extension and maintenance of sewers; for the laying and extension of water mains or pipes, and for establishing and maintaining of water works; for the lighting of the city, and to establish and maintain gas works. [See § 89, 90.

250 ASSESSOR AND COLLECTOR.] § 2. There shall be one assessor and one collector, who shall be elected by the people at the time fixed by law for electing the mayor of the city, and the term of office of the collector shall be the same as that of the mayor, and the collector shall give bonds for the faithful

performance of the duties of his office, in such manner, form and amount as the common council may by ordinance provide. The city council may authorize such assessor to appoint such number of assistant assessors as the city council may adjudge necessary. The city council may prescribe the duties and define the powers of such assessor (and of such assistant assessors, if appointed,) by ordinance: *Provided*, That such assessors shall have the same powers that assessors may possess under the general laws of the state for the assessment of state and county taxes, not inconsistent with this act; and the city council may, by ordinance, prescribe the form of all assessment books or rolls.

251 RULE OF ASSESSMENT—PROPERTY TO BE ASSESSED.]

§ 3. The assessor shall assess all taxable real and personal estate at its real or true value, as defined by the state revenue laws. All personal property, of every nature and kind, having its actual *situs* within the city, shall be assessed for municipal purposes, whether the owner resides in the city or not; this provision to extend to and include the property of railroads and the proportion of rolling stock of all such railroads or railway companies as run cars or trains into the city, by lease of road-bed or track, the same as though such companies owned the track or road-bed; such railroad property to be assessed, and such proportion to be ascertained and apportioned in accordance, as near as may be, with the statutes regulating the manner of listing and valuing the property of railroads for state and county taxation.

252 OF WHAT TIME ASSESSED.] § 4. Personal property shall be listed for municipal purposes with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

253 GENERAL REVENUE LAW APPLIES.] § 5. All the provisions of the general revenue laws of this state, so far as the same are applicable, concerning the levy and assessment of taxes for state and county purposes, and the duties of assessors, shall be in force and apply to all cities in this state, unless in conflict with this act.

254 TIME TO HEAR OBJECTIONS—NOTICE.] § 6. When the assessor shall have completed the assessment of the taxable real and personal estate of said city, he shall file the same in the city clerk's office; and the mayor, city clerk and assessor shall

fix upon a day, not less than seven nor more than thirty days from the date of the filing of said assessment, for the hearing of objections to the assessment ; and they shall give notice of the time and place of such hearing by written or printed notices, one to be posted in each ward in such city at least one week before the day fixed for such hearing, and by one insertion in a newspaper published in the city, (if any there shall be,) at least one week before the day fixed for such hearing. Any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections.

255 EQUALIZATION—HEARING OBJECTIONS.] § 7. The said mayor, city clerk and assessor, constituting the board of equalization, shall meet at the time and place designated to revise and correct the said assessments. They shall hear and consider all objections which may be made, and shall have power to make all proper corrections, and supply omissions in the assessment, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same. They shall continue in session during three business hours of each and every secular day, for not less than three nor more than ten successive days, as the city council may direct. Thereafter no change, amendment or alteration shall be made, nor shall any tax or portion thereof be refunded. A majority of said board shall constitute a quorum.

256 TAX BOOKS—DUTIES OF CLERK, MAYOR, ETC.] § 8. When such revision has been completed, the same shall be deposited with the city clerk, who shall enter in a book or books, to be prepared for that purpose, a complete list of all the taxable real and personal estate in said city, according to the assessment as returned by said assessor, and revised by the board of equalization, showing, in a proper column ruled for that purpose, the names of the different owners, so far as they appear in said revised lists, and in another column the amount of the valuation made in each case. Said book or books shall also have ruled therein an appropriate column for extending or inserting the amount of taxes which may be levied upon said property. Said book or books shall constitute the tax list of real and personal estate for such year. The clerk shall also add up the valuations in such list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column in the last page. When the said tax list shall have been so completed, it shall be signed by the mayor, city clerk and assessor, or a majority of them, and left in the custody of the city clerk.

257 ORDINANCE LEVYING TAX—LIMITATION.] § 9. The city council shall thereupon by ordinance or resolution, levy such sum or sums of money as may be necessary for the several purposes for which taxes are herein authorized to be levied, specifying the purpose for which the same are levied; but the aggregate amount of taxes levied for any one year shall not exceed the rate of three per cent. upon the aggregate assessed valuation of all property assessed. [See § 89.

258 EXTENDING TAX—WARRANT—DELIVERY TO COLLECTOR—RECEIPT.] § 10. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of said tax list, opposite to the person or property chargeable therewith. When completed the city clerk shall attach to said tax list a warrant, under the corporate seal, signed by the mayor and city clerk, directed to the collector, commanding him to make, levy, and collect as the taxes for such year the several sums of money set opposite to the real and personal estate or persons in said tax list mentioned or described, of the goods and chattels of the respective owners of such real or personal estate; which warrant shall designate the names and rates of the several taxes therein, and shall specify the aggregate amount of taxes to be collected, and shall also command the collector to collect the same from the persons or property named in said list, according to law. Said tax list, with the warrant attached, shall be delivered to the collector by the city clerk, and shall constitute the only process necessary to be issued for the collection of the annual city taxes. The city clerk shall take a receipt from the collector for the said tax lists, specifying the aggregate amount of taxes levied, and the respective amounts levied upon real estate and personal property.

259 FIXING TIME OF RETURN.] § 11. The city council, may, by resolution or ordinance, order and direct that a return of any warrant issued to the city collector shall be made at a time to be specified in such ordinance or resolution.

COLLECTION OF TAXES.

260 NOTICE—LEVY ON PERSONAL PROPERTY.] § 12. Upon the receipt of any warrant for the collection of the annual taxes, special taxes or any special assessment on real or personal property, the collector shall forthwith give ten days' notice, by publication in any newspaper published in said city, or if no

newspaper is published in said city, by posting written or printed notices in four public places in the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office. In the notice so to be published or posted, he shall notify all parties interested that after the expiration of thirty days from the date of receiving such warrant he will levy upon the personal property of all who shall have failed to pay; and at the end of thirty days, or as soon thereafter as may be, he shall so levy if personal property belonging to such delinquent person or persons can be found; and he shall be liable for their tax in case of neglecting so to do. Said taxes shall be a lien upon any property, real or personal, that such delinquents may have or may thereafter acquire, until paid; and the collector or his successor in office may at any time thereafter levy and collect the same. But nothing in this section shall be so construed as to prevent the collector from levying at any time after the publication or posting of the ten days' notice above required.

261 DEPUTIES—EXAMINATION OF PAPERS, ETC.—RETURNS.]

§ 13. The city collector may appoint such number of deputies as the city council may adjudge necessary. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or city clerk, or any member of the city council, or by any tax payer of said city. The collector shall, weekly, or oftener if the city council so direct, pay over all the money collected by him from any person or persons or associations to the city treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the city comptroller, if there be one, and if there is no city comptroller, then in the office of the city clerk.

262 LIEN—OWNER ON MAY 1ST TO PAY—SALE OF PERSONAL PROPERTY.] § 14. All taxes, general or special, and special assessments levied by the city council, shall be a lien upon the real estate on which the same may be imposed, any said lien shall continue until said taxes, special taxes and assessments are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes from and after the delivery to the collector of the warrant; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector whenever found, and removed, if necessary, and sold, to discharge the

taxes of the person owing the same ; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment or special tax. Upon such seizure of personal property by such collector, he shall forthwith advertise and sell the same in the manner provided by law for sales by constables upon executions issued by justices of the peace, and the fees of the collector for making any levy and sale of property shall be the same as allowed to constables for levy and sale of property on execution and the costs shall in all cases be collected out of the property of the person against whom the levy is made.

263 RETURN TO COUNTY COLLECTOR.] § 15. It shall be the duty of the collector, within such time as the city council may, by ordinance, provide, to make a report (or return), in writing, to the general officer of the county authorized and designated by the general revenue law of this state to advertise and sell lands for taxes due the county and state, of all the lands, town lots and real property on which he shall have been unable to collect taxes, special taxes and special assessments, with the amount of such taxes, special taxes and special assessments due and unpaid, respectively, thereon, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report or return shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the taxes, special taxes and special assessments, levied by authority of the city, remain due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report or return, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said report or return have been complied with, and that the taxes, special taxes and special assessments mentioned in said report or return are due and unpaid.

264 PROCEEDINGS BY COUNTY COLLECTOR—JUDGMENT—APPEAL.] § 16. When said general officer shall receive the report or return provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said general taxes, special taxes and special assessments remaining due and unpaid, in the same manner as may be by law provided for obtaining judgments against lands

for taxes due and unpaid the county and state; and shall, in the same manner, proceed to sell the same for the said general taxes, special taxes and special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. And the city council may, by ordinance or resolution, fix and determine the term of the county court at which the said general officer shall apply for judgment against the said lots, parcels of land and property: *Provided*, there shall be but one sale in any one year for any general taxes, special taxes or special assessments levied by authority of such city, which sale may be at the same or a different time from the sale for state and county taxes, as the city council may, by ordinance or resolution, provide. Upon any such application for judgment, the county court shall have like jurisdiction and powers, and like proceedings shall be had, as near as may be, as upon application for judgment for state and county taxes; and upon an appeal from the judgment of the county court, the like proceedings shall be had and the like jurisdiction and like powers shall be exercised by courts and officers, as in case of appeals from the county court upon applications for judgments for state and county taxes: *Provided, however*, that no appeal shall be allowed from any judgment of the county court against any property returned as delinquent under this act, unless the party appealing from such judgment shall first give bond with two sureties, to be approved by the court, in a penalty at least double the amount of the judgment, interest and costs appealed from, conditioned that he will prosecute his appeal with effect, and in case of failure therein, pay and satisfy such city the amount of the judgment appealed from, with all damages, interest and costs which such city may have sustained by reason of such appeal, and upon the affirming of such judgment of the county court the supreme court shall render judgment for twenty per cent. for damages.

265 COLLECTIONS AFTER RETURN—CORRECTING LIST.]

§ 17. The city collector shall have power to receive and collect any of the general taxes, special taxes or special assessments mentioned in said report up to the time of the actual sale of any such lot, parcel of land or property, and it shall be his duty forthwith to report the fact of such payment to the said general officer, who shall mark the same paid upon his books and upon said report (or return): *Provided, however*, the city collector may close his office for the payment of said taxes and assessment a sufficient

length of time before the day fixed for the application for judgment to enable such general officer and city collector to compare and correct the reports of taxes and assessments paid, with the list of delinquent property returned to such general county officer.

266 SALE—REPORT—EXPENSES—FEES.] § 18. It shall be the duty of the city treasurer to attend to such sale; and all moneys bid and paid at such sale for any such city taxes, special taxes or special assessments, shall be paid to the treasurer of such city, and no other person; and it shall be the duty of the city treasurer, upon the close of such sale, to make a report to the city comptroller (if there be one; if none, to the city clerk,) specifying therein the lots, parcels of land and property upon the sale of which the same was received, and a description of the lots, parcels of land and property purchased by the city. The city council shall, by ordinance, provide for the payment of the expenses of such sale, and shall fix the compensation to said officer for making the sale, which shall be in lieu of all fees therefor: *Provided, however,* there shall be paid such general officer the same fees for advertising, making list for the printer, and making out the delinquent list, and to the county clerk the like fees as provided to be paid for like services in regard to property delinquent for state and county taxes, which said fees or costs shall be extended and collected against the lots, land and real property, as in case of property delinquent for state and county taxes.

267 WHERE RECORD REMAIN—REDEMPTION.] § 19. After making said sales, the record and list of lots, parcels of land and property sold thereat, shall remain in the hands of the clerk of the county court, and redemption shall be made as provided for by the general revenue law of the state.

268 GENERAL REVENUE LAW APPLICABLE.] § 20. All the provisions of the general revenue law of this state relating to the redemption or deeding of any property so sold, and the manner of obtaining a deed, and the effect of the same, shall be in full force and apply to all sales made in pursuance of this act.

269 LIABILITY OF COLLECTOR, WHEN PROPERTY SOLD AFTER PAYMENT.] § 21. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid, to the general county officer authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold

for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for the amount of the face of the certificate, and fifty per cent. additional thereof, to be demanded within two years from the date of the sale, and recovered in any court having jurisdiction of the amount.

GENERAL PROVISIONS.

270 MAY COLLECT UNDER GENERAL REVENUE LAW.] § 22. The city council of any city shall have power at any time, in lieu of the mode herein provided for the assessment and collection of general city taxes, to, by resolution or ordinance, elect to certify to the county clerk the amount or amounts required to be raised by taxation upon the assessment of property for state and county taxes, and to collect the taxes for said city, in the manner provided for in the general revenue laws of this state, and in such case to abolish the office of the city assessor and the city collector: *Provided, however,* that nothing in this section contained shall be so construed as to prevent such corporation at any time thereafter from providing for the assessment and collection of taxes by ordinance, and in the manner in this act hereinbefore set forth.

271 TAX COMMISSIONER—HIS DUTIES.] § 23. The city council may, in their discretion, provide, by ordinance, for the appointment of a city tax commissioner, fix his term of office and salary, and confer upon him such powers, and provide for the performance of such duties by him as the city council may deem necessary and proper and all the provisions of this act relating to the duties of the city clerk or the powers of the city clerk, in connection with the assessment of property, the equalization of such assessments, or the levy or collection of taxes, special taxes or special assessments, shall be exercised and performed by such city tax commissioner, if there be one appointed; and to that end and purpose wherever in this act heretofore the words "city clerk" or "clerk" are used, they shall be held to mean "city tax commissioner," and whenever "the city clerk's office" or "clerk's office" is referred to, it shall be held to mean "city tax commissioner officer," and the term "city council" shall be held to include the common council of any city.

ASSESSORS AND COLLECTORS.

AN ACT in regard to assessors and collectors of city taxes in incorporated cities. [Approved and in force April 25, 1873.]

272 APPOINTMENT OF, AD INTERIM.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all incorporated cities in this state which now have or may hereafter be vested with power to make an assessment of property for taxation for city purposes, and in which there is or may be no city assessor authorized to make such assessment, and no city collector authorized to collect city taxes levied by any such city, it shall and may be lawful for the mayor of any such city to appoint, by and with the consent of the legislative authority thereof, a city assessor and a city collector, who shall hold office until a city assessor and a city collector for such city may be elected and qualified in the manner provided by law; and such city assessor and city collector so appointed shall perform like duties, have like powers, and give like bonds, as provided by law in regard to such officers when elected by the people.

273 EMERGENCY.] § 2. It being important that all incorporated cities in this state should have power to proceed with the assessment and collection of their taxes at as early a date as practicable, an emergency has arisen requiring this act to take effect immediately: therefore, this act shall be in force from and after its passage.

MAYOR'S ACT.

APPOINTMENT AND REMOVAL OF CITY OFFICERS.

SECTION

1. Appointment and removal of city officers.
2. Approval and veto power of mayor.

SECTION

3. Passage over mayor's veto.
4. Emergency.

AN ACT concerning the appointment and removal of city officers in all cities in this state, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinance that may be passed in such cities. [Approved and in force April 10, 1875.]

SECTION 1. APPOINTMENT AND REMOVAL OF CITY OFFICERS.] *Be it enacted by the people of the State of Illinois, represent-*

ed in the General Assembly, In all cities in this state, the mayors thereof shall have power to appoint all city officers, (whose election by the voters of such city is not provided for by law,) by and with the consent of the city council, (or in case the legislative authority consists of two houses, then by and with the consent of the board of councilmen,) by a vote of the majority of all its members authorized by law to be elected, to be taken by yeas and nays, and entered upon its records. And the mayor shall also have power to remove any officer so appointed whenever, in his opinion, the interests of the city requires such removal: he shall report such removal, with his reasons therefor, to the council, (or in case the legislative authority consists of two houses, then to the board of councilmen,) at its next regular meeting; and if the council by a two-thirds vote shall, (or if the board of councilmen shall by a majority vote) of all its members authorized by law to be elected, by yeas and nays to be entered upon its record, disapprove of such removal, such officer shall thereby become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. The mayor may appoint any suitable person to discharge the duties of the office from which he shall have removed any officer, until his successor is appointed and qualified, or such officer restored to office in the manner aforesaid.

§ 2. APPROVAL AND VETO POWER OF MAYOR.] All ordinance passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force; but in case the mayor shall fail to return any ordinance with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

§ 3. PASSAGE OVER MAYOR'S VETO.] Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council, and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve

thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

§ 4. EMERGENCY.] Whereas, the legislative authorities in many cities pass their appropriation bills before the first day of July next, and mayors have no power to veto a part of such appropriation or ordinance, wherefore an emergency exists; therefore, this act shall take effect, and be in force from and after its passage.

TAXES.

SECTION 16. Proceedings by general officer—Judgment—Appeal—Deposit—Damages.

AN ACT to amend an act entitled, "An act in regard to the Assessment of Property and the Levy and collection of Taxes by incorporated cities in this state," approved April 15, 1873. [Approved April 7, 1875. In force July 1, 1875.]

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section sixteen of an act entitled, "An act in regard to the assessment of property and the levy and collection of taxes by incorporated cities in this state," approved April 15, 1873, be and the same is hereby amended so as to read as follows:

"§ 16. PROCEEDINGS BY GENERAL OFFICER—JUDGMENT—APPEAL—DEPOSIT—DAMAGES.] When said general officer shall receive the report or return provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said general taxes, special taxes and special assessments remaining due and unpaid, in the same manner as may be by law provided for obtaining judgments against lands for taxes due and unpaid the county and state; and shall in the same manner, proceed to sell the same for the said general taxes, special taxes, and special assessments remaining due and unpaid: *Provided*, that it shall not be required of said general officer to attach to said list of delinquent lots or lands any affidavit whatever in relation thereto; nor shall it be necessary that his return to the county court, in relation to lots, lands or real estate, for such purpose, shall contain the valuation of such property; but it shall be sufficient that he make an official return stating in substance that the list, in this regard, by him presented, is a correct list of the lands and lots, delinquent for taxes, special taxes and special assessments for city purposes

with the amount due on each tract, respectively for such purposes according to the return of the city collector of such city, duly made to such officer according to law. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. And the city council may, by ordinance or resolution, fix and determine the term of the county court at which the said general officer shall apply for judgment against the said lots, parcels of land and property: *Provided*, there shall be but one general sale in any one year for any general taxes, special taxes, or special assessments, levied by authority of such city, which sale shall be at the same, or a different time from the sale for state and county taxes, as the city council may, by ordinance or resolution, provide. Upon any such application for judgment, the county court shall have like jurisdiction and powers, and like proceedings shall be had, as near as may be, as upon application for judgment for state and county taxes; and upon an appeal from the judgment of the county court, the like proceedings shall be had, and the like jurisdiction and like powers shall be exercised by courts and officers, as in case of appeals from the county court upon applications for judgments for state and county taxes: *Provided, however*, that no appeal shall be allowed from any judgment of the county court against any property returned as delinquent under this act, except in cases of special assessments, unless the party appealing from such judgment shall first deposit with such general officer an amount of money equal to the amount of the judgment appealed from, embracing accrued costs, and shall also give bond, with security, to be approved by the county court, in an amount to be fixed by the court, within a time to be limited by the court, conditioned that he will prosecute his appeal with effect, and in case of failure, will pay to said city all damages, interest and costs the city may have sustained by such appeal. Upon the affirmance of said judgment in the supreme court, by dismissal of such appeal (or by dismissal of a writ of error made a supersedeas), or otherwise, judgment shall be rendered in the supreme court, against said appellant (for the use of city) for the costs in the supreme court, and for interest on the original amount of such judgment, and for twenty (20) per cent. upon said judgment as damages, and no writ of error shall be allowed to operate as a supersedeas until the party applying therefor shall first have applied, in substance, with the conditions, as above required in appeals, to be prescribed by the judge or court allowing such supersedeas. If such judgment, so stayed by ap-

peal or supersedeas, be reversed and not remanded, then said officer holding such deposit shall restore the same to the party making such deposit. If such judgment be wholly affirmed, or affirmed in part and reversed in part, and not remanded, then such officer holding such deposit shall first pay out of such deposit the amount necessary to satisfy such judgment as affirmed or modified by the supreme court, together with all costs and interest and damages for which such depositor is liable by the said affirmed or modified judgment, and shall pay the balance, if any, to such depositor, and if not sufficient, execution may issue for the balance from the clerk of the supreme court, or of the county court, as the case may require. If such judgment be reversed and remanded, then such deposit shall await the final judgment of the county court, and be disposed of by the order of said county court, as justice may require; *And it is further provided*, that if, for any cause, by appeal or otherwise, the final judgment in the county court shall not be rendered until it is too late to sell on the day designated for sale in the general revenue laws, then, and in such case, the county court shall, on rendering final judgment against such delinquent lots or parcels of land, by order, fix the time and place of sale under such judgment, and make such order as shall effect the proper collection of such delinquent taxes or assessments."

[This act is in place of section 16 on page 257 Revised Statutes, 1874—ED.]

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